UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/224,009	12/31/1998	DEAN ALAN SLAWSON	MSFT112767	4223

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EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/224,009	SLAWSON ET AL.
	Examiner	**Art Unit**	
	William L. Bashore	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 May 2003</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9,11,12,14-32,34,35 and 37-44</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9,11,12,14-32,34,35 and 37-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____ .

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
     application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 5/6/2003, to the original

application filed **12/31/1998**.

2.   The rejection of claims 1-9, 11-32, 34-44 under 35 U.S.C. 103(a) as being unpatentable over Balogh has

been withdrawn as necessitated by amendment.

5.   Claims 1-9, 11-12, 14-32, 34-35, 37-44 are pending. Claims 13, 36 have been canceled by Applicant.

Claims 1, 16, 24, 38 are independent claims.

Claim Rejections - 35 USC § 103

7.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1-9, 11-12, 14-32, 34-35, 37-44 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Balogh et al. (hereinafter Balogh), U.S. Patent No. 5,493,677 issued February 20, 1996, in view of Cox

et al. (hereinafter Cox), U.S. Patent No. 5,696,964 issued December 09, 1997 (originally referenced in a

previous action).

     In regard to independent claim 1, Balogh teaches an application program comprising plurality of

media clips in a database, with associated information describing each media clip, said media clips are in the

form of images, as well as video clips and multimedia objects (Balogh Abstract, column 1 lines 56-64, column 3

lines 29-34, column 5 lines 48-57, Figure 6, 14; compare with claim 1 "*A method for searching a media clip*

database associated with a multimedia application program, wherein said media clip database contains…. that

describes each associated media clip in said media clip database, comprising:".

Balogh teaches a "captioner" which provides metadata in the form of a caption describing salient

features of an image, bibliographic data, "suggest fields" and attributes of said image, for each image (Balogh

column 3 lines 20-43). Since said data can include descriptive words (i.e. caption "blue collar" – Balogh column

6 lines 38-44), and since Balogh teaches that keyword searching can be applied to querying (Balogh column 12

lines 8-14), as well as teaching that captions/bibliographic information can be reused for iterative querying

(Balogh column 14 lines 40-60), said teachings provide a reasonable suggestion to one of ordinary skill in the

art at the time of the invention, of the use of said metadata data as keywords, providing Balogh the benefit of

querying with descriptive keywords for searching various image databases (compare with claim 1 *"keywords"*).

Balogh teaches a user performing an initial query (Balogh column 11 lines 60-67, column 12 lines 1-7),

resulting in retrieval of captions with images along with associated information (Balogh column 14 lines 3-10,

column 16 lines 42-47, 56-67, Figure 12, 13) (compare with claim 1 *"(a) in response to a user selecting a media*

clip, retrieving information…. associated with said selected media clip from said media clip database").

Balogh teaches presenting the above captions, images and information to a user for eventual query

(Balogh column 14 lines 3-10, 40-60, Figure 12-15; compare with claim 1 *"(b) simultaneously presenting to the*

user for selection by the user: ", "(i) said keywords associated with said media clips;"). .

Balogh does not specifically teach hidden criteria. However, Cox Cox teaches PicHunter, a media

searching tool comprising a GUI interface with four displayed images (clips) from a clip database. A user

selects an image, then optionally selects button "GO", after which said invention searches and presents a second

set of images similar to what was initially selected. (Cox Figure 2, column 5 lines 29-45, column 8 lines 19-

28). Cox's invention involves the analyzation of a user selected image, so that a similar set of images can be

retrieved/presented. In choosing an image, the image attributes (i.e. color, shape, etc.) inherent within said

image, along with various noted (hidden) features of each image (i.e. contrast, saturation, etc.) , are used as

search criteria by the system, (Cox Abstract, column 5 lines 35-45, 62-67, column 6 lines 1-23; compare with

claim 1 *"and hidden criteria associated with find similar clips indicia"*, *"(ii) said find similar clips indicia*

having associated hidden criteria", and *"hidden criteria"*). It would have been obvious to one of ordinary skill

in the art at the time of the invention to apply Cox to Balogh, providing Balogh the benefit of intelligent

(accurate) analyzation of media images incorporating hidden search criteria, which may not be explicitly present

in a user's vocabulary (or known to the user) (see Cox column 1 lines 45-47).

Balogh teaches an additional query based upon the associated image description or bibliographic data of

a previously selected image, the user can make further additions, deletions, and/or modifications to the

associated information, if needed, prior to said additional query. It is to be noted that a user drags and drops a

selected image into the description/bibliographic area, resulting in transfer of associated information (i.e.

keywords, as explained above) to be used or edited in the additional query, resulting in retrieval of additional

images (Balogh column 14 lines 40-59, column 16 lines 53-62; compare with claim 1 *"(c) in response to the*

user selecting a search criteria by selecting one or more of said keywords and/or said find similar clips indicia

associated with said selected media clip, retrieving all media clips in said media clip database that match the

search criteria created by the user.").

In regard to dependent claims 2-4, Balogh teaches display of the best retrieved captions/ images

displayed for user review. This process (including displaying a plurality of clip images) is repeated by said user,

as desired (Balogh Figure 13-15, column 14 lines 3-10, 40-42, column 16 lines 53-62; compare with claims 2-

4).

In regard to dependent claims 5-8, Balogh teaches a media type (images), as well as search criteria

based upon color and/or shape (i.e. *"red trucks"*, and *"black cats"* - keywords) (Balogh Abstract, Figure 2,

column 11 lines 60-67; compare with claim 5). Balogh does not sepecifically teach hidden criteria as artistic

style, shape, and color. However, Cox teaches the analyzation of a user selected image, so that a similar set of

images can be retrieved/presented. In choosing an image, the image attributes (i.e. color, shape, etc.) inherent within said image, along with various noted (hidden) features of each image (i.e. pixel color, saturation, contrast, and image width (shape), etc. – suggestive of artistic styles), are used as search criteria by the system, (Cox Abstract, column 5 lines 35-45, 62-67, column 6 lines 1-23; compare with claims 6-8. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Cox to Balogh, providing Balogh the benefit of intelligent (accurate) analyzation of media images incorporating hidden search criteria, which may not be explicitly present in a user's vocabulary (or known to the user) (see Cox column 1 lines 45-47).

In regard to dependent claim 9, claim 9 reflects the combined subject matter of claims 7 and 8, and is rejected along the same rationale.

In regard to dependent claims 11-12, Balogh teaches an additional query, whereby a result image is dragged and dropped into a description/bibliographic area, resulting in bibliographic (keyword) data copied to form a new query (in the case of Balogh, all of the data is selected) (Balogh column 14 lines 40-59; compare with claim 11).

Balogh teaches search criteria in the form of keywords as part of a search query, said query (keywords) can be based upon image characteristics or image type (Balogh column 11 lines 60-67, column 12 lines 9-14; compare with claim 12).

In regard to dependent claim 14, Balogh teaches dragging and dropping of a selected image into a description/bibliographic area, resulting in a copy of the image's bibliographic data (keywords) into formulation of a new query. Balogh also teaches searching and presentation of files of type image from an image database (Balogh Abstract, column 14 lines 49-59; compare with claim 14).

In regard to dependent claim 15, a computer readable medium (i.e. diskette or hard drive) used for holding instructions is known in the art.

In regard to independent claim 16, Balogh teaches an application program comprising plurality of media clips in a database, with associated information describing each media clip, said media clips are in the form of images, as well as video clips and multimedia objects. It is to be noted that Balogh also discloses associated data regarding what a particular media image suggests, which is indicative of a visual thesaurus (Balogh Abstract, column 1 lines 56-64, column 3 lines 29-34, column 5 lines 48-57, Figure 6, 14, see also Figure 3 item 262, Figure 6 item 606, column 1 lines 59-61, column 3 lines 33-36; compare with claim 16 "*A method for providing a user interface for a visual thesaurus for a media clip database associated with a multimedia application program, wherein said media clip database contains information that describes each associated media clip in said media clip database, comprising*".

Balogh teaches a "captioner" which provides metadata in the form of a caption describing salient features of an image, bibliographic data, "suggest fields" and attributes of said image, for each image (Balogh column 3 lines 20-43). Since said data can include descriptive words (i.e. caption "blue collar" – Balogh column 6 lines 38-44), and since Balogh teaches that keyword searching can be applied to querying (Balogh column 12 lines 8-14), as well as teaching that captions/bibliographic information can be reused for iterative querying (Balogh column 14 lines 40-60), said teachings provide a reasonable suggestion to one of ordinary skill in the art at the time of the invention, of the use of said metadata data as keywords, providing Balogh the benefit of querying with descriptive keywords for searching various image databases (compare with claim 16 "*keywords*").

Balogh teaches a user performing an initial query (Balogh column 11 lines 60-67, column 12 lines 1-7), resulting in retrieval of captions with images along with associated information presenting said captions, images and information to a user (Balogh column 14 lines 3-10, 40-41, column 16 lines 42-47, 56-67, Figure 12-15) (compare with claim 16 "*directly in response to a user selecting a media clip from said media clip database,*").

Balogh teaches an additional query based upon the associated image description or bibliographic data of

a previously selected image, the user can make further additions, deletions, and/or modifications to the

associated information, if needed, prior to said additional query. It is to be noted that a user has the option of

visually dragging and dropping a selected image into the description/bibliographic area, resulting in transfer of

associated information to be used or edited in the additional query, resulting in retrieval of additional images,

said drag and drop is a visual indication of said option (Balogh column 14 lines 40-59, column 16 lines 53-62;

compare with claim 16 *"displaying to the user an option for finding similar media clips that have an associated*

keyword that matches the associated keyword for the selected clip.").

Balogh does not specifically teach hidden criteria. However, Cox Cox teaches PicHunter, a media

searching tool comprising a GUI interface with four displayed images (clips) from a clip database. A user

selects an image, then optionally selects button "GO", after which said invention searches and presents a second

set of images similar to what was initially selected. (Cox Figure 2, column 5 lines 29-45, column 8 lines 19-

28). Cox's invention involves the analyzation of a user selected image, so that a similar set of images can be

retrieved/presented. In choosing an image, the image attributes (i.e. color, shape, etc.) inherent within said

image, along with various noted (hidden) features of each image (i.e. contrast, saturation, etc.) , are used as

search criteria by the system, (Cox Abstract, column 5 lines 35-45, 62-67, column 6 lines 1-23; compare with

claim 16 *"hidden criteria associated with find similar clips indicia"*, *"find similar clips indicia hidden criteria"*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Cox to Balogh,

providing Balogh the benefit of intelligent (accurate) analyzation of media images incorporating hidden search

criteria, which may not be explicitly present in a user's vocabulary (or known to the user) (see Cox column 1

lines 45-47).

In regard to dependent claim 17, Balogh teaches a browsing tool for allowing a user to visually browse hits, as well as a number of "select" buttons for choosing certain candidate matches for further examination (Balogh column 16 lines 42-47, 55-60).

In regard to dependent claim 18, Balogh teaches an additional query based upon the associated image description or bibliographic data of a previously selected image, the user can make further additions, deletions, and/or modifications to the associated information, if needed, prior to said additional query. It is to be noted that a user has the option of visually dragging and dropping a selected image into the description/bibliographic area, resulting in transfer of associated information to be used or edited in the additional query, resulting in retrieval of additional images, said drag and drop is a visual indication of said option (Balogh column 14 lines 40-59, column 16 lines 53-62).

In regard to dependent claims 19-21, 23, a fly-out window (i.e. an overlaying window, or balloon help annotation with additional information, etc.), is known in the art (compare with claim 19).

An option for inserting an image into a document (i.e. clipboard copy and paste), is known in the document processing art (compare with claim 20).

Balogh teaches a browser for vewing image hits, said hits comprise a thumbnail (preview) image along with a caption "snippet" from each image (Balogh column 16 lines 63-67, column 17 lines 1-13; compare with claim 21).

A computer readable medium (i.e. diskette or hard drive) used for holding instructions is known in the art (compare with claim 23).

In regard to dependent claim 22, Balogh does not specifically teach an option to add a clip to a category. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the

invention, in view of Balogh, because Balogh teaches ordering selected images through a purchase/delivery

service (Balogh column 17 lines 40-44). In the case of Balogh, images are user selected for purchase (a user

voluntarily adding a media clip to a category intended for purchase) (see also Balogh column 17 lines 48-50,

and column 18 lines 1-10). Adapting Balogh to incorporate user inclusion of clips into various additional

categories as taught by Balogh, provides a user of Balogh the benefit of grouping selected images for further

action (i.e. negotiation, reservation, trade, etc.).

In regard to independent claim 24, Balogh teaches a data entry, disambiguation, and database

processors within a SUN SPARCSTATION (Balogh column 3 lines 60-67; compare with claim 24 "*a*

processing unit").

Balogh teaches a computer readable medium (i.e. diskette or hard drive) used for holding instructions

and utilized within a computer, is known in the art (compare with claim 24 "*a storage medium....by the*

processing for").

Balogh teaches an application program comprising plurality of media clips in a database, with

associated information describing each media clip, said media clips are in the form of images, as well as video

clips and multimedia objects, said clips subject to user query and selection (Balogh Abstract, column 1 lines 56-

64, column 3 lines 29-34, column 5 lines 48-57, column 16 lines 56-67, column 17 lines 1-13, Figure 6, 14;

compare with claim 24 "*providing an interface for a user to select a media clip....in said media clip database*").

Balogh teaches a "captioner" which provides metadata in the form of a caption describing salient

features of an image, bibliographic data, "suggest fields" and attributes of said image, for each image (Balogh

column 3 lines 20-43). Since said data can include descriptive words (i.e. caption "blue collar" – Balogh column

6 lines 38-44), and since Balogh teaches that keyword searching can be applied to querying (Balogh column 12

lines 8-14), as well as teaching that captions/bibliographic information can be reused for iterative querying

(Balogh column 14 lines 40-60), said teachings provide a reasonable suggestion to one of ordinary skill in the

art at the time of the invention, of the use of said metadata data as keywords, providing Balogh the benefit of

querying with descriptive keywords for searching various image databases (compare with claim 24 *"keywords"*).

Balogh does not specifically teach hidden criteria. However, Cox Cox teaches PicHunter, a media

searching tool comprising a GUI interface with four displayed images (clips) from a clip database. A user

selects an image, then optionally selects button "GO", after which said invention searches and presents a second

set of images similar to what was initially selected. (Cox Figure 2, column 5 lines 29-45, column 8 lines 19-

28). Cox's invention involves the analyzation of a user selected image, so that a similar set of images can be

retrieved/presented. In choosing an image, the image attributes (i.e. color, shape, etc.) inherent within said

image, along with various noted (hidden) features of each image (i.e. contrast, saturation, etc.) , are used as

search criteria by the system, (Cox Abstract, column 5 lines 35-45, 62-67, column 6 lines 1-23; compare with

claim 24 *"(i) ... including hidden criteria associated with find similar clips indicia"*, *"(ii) find similar clips*

indicia hidden criteria", and *"(iii) find similar clips indicia hidden criteria"*). It would have been obvious to

one of ordinary skill in the art at the time of the invention to apply Cox to Balogh, providing Balogh the benefit

of intelligent (accurate) analyzation of media images incorporating hidden search criteria, which may not be

explicitly present in a user's vocabulary (or known to the user) (see Cox column 1 lines 45-47).

Balogh teaches a user performing an initial query (Balogh column 11 lines 60-67, column 12 lines 1-7),

resulting in retrieval of captions with images along with associated information, as well as an additional query

based upon the associated image description or bibliographic data of a previously selected image, the user can

make further additions, deletions, and/or modifications to the associated information, if needed, prior to said

additional query. It is to be noted that a user drags and drops a selected image into the description/bibliographic

area, resulting in transfer of associated information to be used or edited in the additional query, resulting in

retrieval of additional images (Balogh column 14 lines 40-59, column 16 lines 42-47, 53-67, Figures 12-13;

compare with claim 24 *providing an interface for the user to select....with said selected media clip"*, and *"in response to the user....for the selected media clip."*).

In regard to dependent claims 25-32, 34-35, 37, claims 25-32, 34-37 reflect the apparatus comprising computer readable instructions used for performing the methods as claimed in claims 2-9, 11-12, 14, respectively, and are rejected along the same rationale.

In regard to independent claim 38, Balogh teaches an application program comprising plurality of media clips in a database, with associated information describing each media clip, said media clips are in the form of images, as well as video clips and multimedia objects. It is to be noted that Balogh also discloses associated data regarding what a particular media image suggests, which is indicative of a visual thesaurus (Balogh Abstract, column 1 lines 56-64, column 3 lines 29-34, column 5 lines 48-57, Figure 6, 14, see also Figure 3 item 262, Figure 6 item 606, column 1 lines 59-61, column 3 lines 33-36; compare with claim 38 *"An apparatus for providing a user interface for a visual thesaurus for a media clip database associated with a multimedia application program, wherein said media clip database contains information.... that describes each associated media clip in said media clip database, comprising"*.

Balogh teaches a "captioner" which provides metadata in the form of a caption describing salient features of an image, bibliographic data, "suggest fields" and attributes of said image, for each image (Balogh column 3 lines 20-43). Since said data can include descriptive words (i.e. caption "blue collar" – Balogh column 6 lines 38-44), and since Balogh teaches that keyword searching can be applied to querying (Balogh column 12 lines 8-14), as well as teaching that captions/bibliographic information can be reused for iterative querying (Balogh column 14 lines 40-60), said teachings provide a reasonable suggestion to one of ordinary skill in the art at the time of the invention, of the use of said metadata data as keywords, providing Balogh the benefit of querying with descriptive keywords for searching various image databases (compare with claim 38 *"keywords"*).

Balogh teaches a data entry, disambiguation, and database processors within a SUN SPARCSTATION

(Balogh column 3 lines 60-67; compare with claim 38 *"a processing unit"*).

Balogh teaches a computer readable medium (i.e. diskette or hard drive) used for holding instructions

and utilized within a computer, is known in the art (compare with claim 38 *"a storage medium....by the*

processing unit for...").

Balogh teaches a user performing an initial query (Balogh column 11 lines 60-67, column 12 lines 1-7),

resulting in retrieval of captions with images along with associated information presenting said captions, images

and information to a user, as well as an additional query based upon the associated image description or

bibliographic data of a previously selected image, the user can make further additions, deletions, and/or

modifications to the associated information, if needed, prior to said additional query. It is to be noted that a user

has the option of visually dragging and dropping a selected image into the description/bibliographic area,

resulting in transfer of associated information to be used or edited in the additional query, resulting in retrieval

of additional images, said drag and drop is a visual indication of said option (Balogh column 14 lines 3-10, 40-

59, column 16 lines 42-47, 53-67; compare with claim 38 *"...displaying to the user an option for finding*

similar media clips that have associated keywords that matches the associated keywords for a selected media

clip, directly in response to the user selecting the media clip.").

Balogh does not specifically teach hidden criteria. However, Cox Cox teaches PicHunter, a media

searching tool comprising a GUI interface with four displayed images (clips) from a clip database. A user

selects an image, then optionally selects button "GO", after which said invention searches and presents a second

set of images similar to what was initially selected. (Cox Figure 2, column 5 lines 29-45, column 8 lines 19-

28). Cox's invention involves the analyzation of a user selected image, so that a similar set of images can be

retrieved/presented. In choosing an image, the image attributes (i.e. color, shape, etc.) inherent within said

image, along with various noted (hidden) features of each image (i.e. contrast, saturation, etc.) , are used as

search criteria by the system, (Cox Abstract, column 5 lines 35-45, 62-67, column 6 lines 1-23; compare with

claim 38 *"hidden criteria associated with find similar clips indicia"*, and *"find similar clips indicia hidden criteria"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Cox to Balogh, providing Balogh the benefit of intelligent (accurate) analyzation of media images incorporating hidden search criteria, which may not be explicitly present in a user's vocabulary (or known to the user) (see Cox column 1 lines 45-47).

In regard to dependent claims 39-43, claims 39-43 reflect the apparatus comprising computer readable instructions used for performing the methods as claimed in claims 17-21, respectively, and are rejected along the same rationale.

In regard to dependent claim 44, claim 44 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 22, and is rejected along the same rationale.

Response to Arguments

10.   Applicant's arguments with respect to the instant claims have been carefully and fully considered but are not persuasive.

Applicant's arguments regarding newly amended subject matter (i.e. *"hidden characteristics"*, etc.) are currently moot in view of the new grounds of rejections, reintroducing the Cox reference.

Applicant's arguements on pages 10-15 of the amendment are substantially directed to the assertion that Balogh fails to teach keywords. The examiner respectfully notes that Balogh's "captioner" provides each image with metadata in the form of a caption describing salient features of an image, bibliographic data, "suggest fields" and attributes, for each image, since said metadata can include descriptive words, as well as teaching that captions/bibliographic information can be reused for iterative querying (see Balogh Figure 2). Since Balogh

teaches that keyword searching can be applied to querying (Balogh column 12 lines 8-14) said teachings provide

a reasonable suggestion to one of ordinary skill in the art at the time of the invention, of the use of said metadata

data as keywords. In addition, the metadata is displayed to a user for subsequent querying of images. Although

Balogh teaches an embodiment comprising natural language sentence captions, nevertheless, the words of said

sentences are suggestive of keywords, since Balogh teaches parsing a query into individual tokens representing

single words or multi-words, said words subsequently matched to various captions (as well as other metadata)

within the search process (see Balogh column 12 lines 33-37).

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this

final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final

action.

12.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to William Bashore whose telephone number is **(703) 308-5807**. The examiner can

normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Joseph Feild, can be reached on **(703) 305-9792**.

       Any inquiry of a general nature or relating to the status of this application should be directed to

the Group receptionist whose telephone number is **(703) 305-3900**.

13.   **Any response to this action should be mailed to:**

       Commissioner of Patents and Trademarks
       Washington, D.C. 20231

or faxed to:

       (703) 746-7239 (for formal communications intended for entry)
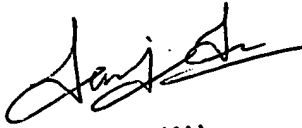**or:**
       (703) 746-7240 (for informal or draft communications, please label
       "PROPOSED" or "DRAFT")
or:
       (703) 746-7238 (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
July 10, 2003

SANJIV SHAH
PRIMARY EXAMINER